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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2078

TERI T. ASAI
12709 Farrington Street
Rancho Cucamonga, California 91739

A C C U S A T I O N

Respiratory Care Practitioner License No. 5655

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California (Board), Department of Consumer Affairs.

2. On or about June 28, 1985, the Board issued Respiratory Care Practitioner License Number 5655 to Teri T. Asai (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2008, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 3710 of the Code states: “The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act].”

5. Section 3718 of the Code states: “The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter.”

6. Section 3750.5 of the Code states:

“In addition to any other grounds specified in this chapter, the board may deny, suspend, or revoke the license of any applicant or license holder who has done any of the following:

..

"(b) Used any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code. . . .

“ . . . ”

COST RECOVERY

7. Section 3753.5, subdivision (a) of the Code states:

"In any order issued in resolution of a disciplinary proceeding before the board, the board or the administrative law judge may direct any practitioner or applicant found to have committed a violation or violations of law to pay to the board a sum not to exceed the costs of the investigation and prosecution of the case."

8. Section 3753.7 of the Code states:

"For purposes of the Respiratory Care Practice Act, costs of prosecution shall include attorney general or other prosecuting attorney fees, expert witness fees, and other administrative, filing, and service fees."

9. Section 3753.1, subdivision (a) of the Code states:

"An administrative disciplinary decision imposing terms of probation may include, among other things, a requirement that the licensee-probationer pay the monetary costs associated with monitoring the probation."

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1 CONTROLLED SUBSTANCE

2 10. Marijuana is a Schedule I controlled substance pursuant to Health and
3 Safety Code Section 11054.

4 CAUSE FOR DISCIPLINE

5 (Use of a Controlled Substance)

6 11. Respondent is subject to disciplinary action under sections 3750,
7 subdivision (g) and 3750.5, subdivision (b) of the Code, in that she used the controlled substance
8 marijuana. The facts and circumstances are as follows:

9 A. In October 2006, Respondent was employed as a respiratory care
10 practitioner at Riverside Community Hospital. On or about October 9, 2006, while at
11 work, Respondent was requested to participate in a drug screen test due to potential
12 exposure to an infection. As part of the worker's compensation screen, Respondent
13 provided a urine specimen for testing and analysis. The laboratory report from Quest
14 Diagnostics dated October 10, 2006, indicated Respondent tested positive for marijuana.

15 B. Subsequently, Respondent contacted the Board and admitted that she was
16 a habitual marijuana user, but stated that she had now stopped using marijuana. In a
17 declaration signed under penalty of perjury on November 10, 2006, Respondent stated she
18 stopped smoking marijuana on October 10, 2006, and that she was receiving treatment for
19 her marijuana use.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

- 4 1. Revoking or suspending Respiratory Care Practitioner License Number
5 5655, issued to TERI T. ASAI;
- 6 2. Ordering TERI T. ASAI to pay the Respiratory Care Board the costs of the
7 investigation and enforcement of this case, and if placed on probation, the costs of probation
8 monitoring; and
- 9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: May 25, 2007

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14 Original signed by Liane Zimmerman for:
15 STEPHANIE NUNEZ
16 Executive Officer
17 Respiratory Care Board of California
18 Department of Consumer Affairs
19 State of California
20 Complainant
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